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SUBJECT: U.S. PARTICIPATION IN OPENING MEETING OF THE
COMMUNITY OF DEMOCRACIES WORKING GROUP ON POVERTY,
DEVELOPMENT AND DEMOCRATIC GOVERNANCE MARCH 12

¶1. (U) This is an action request. Please see paragraphs 3-4.

SUMMARY

¶2. (U) This year's Community of Democracies (CD) Ministerial is scheduled for November 2007 in Bamako, Mali. At the Santiago CD Ministerial in April 2005, participants established four working groups to develop democracy promotion projects and initiatives with the aim of meeting their commitments made under the Seoul Plan of Action and Santiago Commitment. The CD Convening Group (CG) was charged with organizing these working groups and making them operational to further the CD's work in between CD Ministerials, which occur every two years. Mali as chair of the Community of Democracies (CD) has been working with the 16 CG members of the Convening Group to activate the groups. Four CD working groups have now been put into place and have begun work to develop and implement theme-specific concrete projects as deliverables at the Bamako Ministerial, the theme of which is the relationship between democracy and development. On March 12 the CD Working Group (WG) on Poverty, Development and Democratic Governance will hold its first meeting under the leadership of WG Chair Mexico in Mexico City. Subsequent meetings of the WG are slated to take place in Washington, D.C. End Summary.

OBJECTIVES

¶3. (U) Department requests Embassy detail one emboff to attend the March 12 initial meeting of the Community of Democracies Working Group on Democracy, Poverty and Democratic Governance. Department understands Embassy will also be engaged with President Bush's visit to Mexico on the same day, but it is essential that the United States, as member of all four CD WGs, attend the opening meeting of this group.

¶4. (U) Department sent separately via unclassified email the agenda and background for the March 12 meeting. The Draft Program notes the anticipated outcome for the first meeting to be a document reflecting the discussion of the three roundtables scheduled for the day. Please see background themes to specifically address the three roundtables, but post is requested to emphasize the need in each roundtable for subsequent WG meetings to initiate concrete project proposals to address issues identified in the course of the meeting. Post should remain vigilant for any attempts to negotiate a political declaration, or to reach consensus on particular conclusions. Post should use the Mexican Draft Program describing the expected outcome of the working group to oppose any such effort. The document coming out of the WG

should simply be a report on the discussion at the seminar.

REPORTING DEADLINE

15. Embassy should report results of efforts by cable to G Joaquin Ferrao and DRL/MLGA Laura Jordan by March 20.

BACKGROUND

16. (U) The Community of Democracies includes over 120 countries with (nascent or developed) democratic governments which have committed to promoting democracy around the world and sharing their unique experiences and lessons learned with others. The U.S. has been an active supporter of CD because we view it as a unique forum where democracies can act together to address issues of democracy and human rights. More information about the Community can be found at <http://www.state.gov/g/drl/c10790.htm>.

17. (U) At the Santiago CD Ministerial in April 2005, participants established four working groups to develop democracy promotion projects and initiatives with the aim of meeting their commitments under the Seoul Plan of Action and Santiago Commitment. The CD Convening Group was charged with organizing these working groups and making them operational to further the CD's work outside the CD Ministerial, which occurs every two years.

18. (U) The current Chair of the 16-member CD steering group, the Convening Group (CG), is Mali. Under Malian leadership the Convening Group has elected chairs for the four working groups, developed terms of reference for the working groups, and committed to developing and executing a concrete initiative or project before the Bamako ministerial in November of 2007. The theme of the ministerial conference will focus on democracy and development. Moreover, in preparation for the November Ministerial the Malians are hosting a seminar in Mali on March 29-30 entitled "Democracy and Development: Poverty as a Challenge to Democratic Governance." The U.S. is firmly committed to focusing on concrete initiatives, and understands the Mexican government may place more emphasis on urging the CD to issue statements on democracy, poverty, and democratic governance. Under Secretary Dobriansky conveyed this position to Mexican

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Undersecretary for Human Rights and Multilateral Affairs Juan Manuel Gomez Robledo during bilateral meetings in January. Post is requested to watch for a singular focus on statements and a final declaration for the Bamako Ministerial in November, and to push the WG to move forward with concrete, actionable efforts.

THEMES FOR ROUNDTABLES

19. (U) ROUNDTABLE I: GOVERNANCE AND DEMOCRACY - Under Secretary Dobriansky has spoken often on the theme of the

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Bamako Ministerial and that of this working group - the relationship between democracy and development. In a January Freedom House event, Undersecretary Dobriansky outlined yet again the U.S. position on this topic: "There is international agreement that sustained economic growth and effective poverty reduction require government that is transparent, non-corrupt, and responsive to the needs of its people. An independent legislature that creates laws ensuring an equal playing field is essential to lasting development, as is a judiciary that adjudicates fairly and reliably. Only a democracy can harness the talents of all its citizens and allow them opportunities to realize that potential in the open marketplace of goods and ideas." The

role of civil society in promoting democratic governance should also be emphasized; their role is critical, particularly in emerging democracies.

¶10. (U) The 2002 Monterrey Consensus affirmed this idea, stating "Good governance is essential for sustainable development. Sound economic policies, solid democratic institutions responsive to the needs of the people and improved infrastructure are the basis for sustained economic growth, poverty eradication and employment creation." The Monterrey Consensus reinforces the notion and reality that respect for human rights, rule of law, gender equity, market-oriented policies, and "an overall commitment to just and democratic societies" are "essential and mutually reinforcing." The Monterrey Consensus established the partnership between developing and developed countries that the Community of Democracies and this WG seek to fulfill. The U.S. firmly supports such a partnership, and seeks to support CD initiatives that promote good governance and democratic capacity building through technical cooperation and concrete initiatives.

¶11. (U) ROUNDTABLE II: DEVELOPMENT AND DEMOCRACY - There is a long-standing debate between developed (especially common law) nations and developing nations at the United Nations about similarities and differences between political and civil rights on one hand, and economic, social, and cultural rights (ESC) on the other. In the U.S. view, economic development and democracy are mutually reinforcing; both goals can and should be advanced simultaneously. Democracy can yield a range of tangible benefits by encouraging stability and good governance, which are essential for economic prosperity. The developed world argues that respect and implementation for civil and political rights leads to conditions in which citizens can develop economically, socially, and culturally. Much of the developing world however, argues that poor countries require development and fulfillment of ESC rights before they can fully protect civil and political rights. Some have argued that developed countries have an obligation to provide assistance to developing countries in order to permit those countries to fulfill ESC rights in their territory. Although we disagree, many developing country officials assume that the U.S. opposes all ESC rights. This view of U.S. policy is incorrect. The U.S. supports the Universal Declaration of Human Rights (UDHR), which alludes to ESC rights, including rights related to an adequate standard of living, employment, and education. The U.S., however, is not a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR).

¶12. (U) From the time countries negotiated the ICESCR and the International Covenant on Civil and Political Rights (ICCPR), governments and experts have recognized important distinctions between the two kinds of rights. First, under the ICESCR, ESC rights are to be "progressively realized," and states are expected to fulfill these rights only in accordance with "available resources" and within their evolving capabilities. In contrast, the civil and political rights contained in the ICCPR are to be immediately guaranteed by governments, without the kinds of qualifications accompanying ESC rights. Secondly, generally, the ICESCR and other ESC treaties provide no remedy rights "violations," whereas governments are obligated to provide remedies for violations of civil and political rights. These distinctions make sense. ESC rights relating to health, housing, education, etc. are generally "positive" rights, in that they require major government expenditures, and associated discretion with respect to allocation of limited resources. By contrast, civil and political rights often have more of a "negative" dimension, meaning the government must refrain from certain activities to guarantee them (e.g., not torture, or not interfere with free expression or religious belief). Because of their characteristics, the U.S. views ESC rights as aspirational in nature. Most other countries also view ESC rights through a political, not legal, lens. (However, at the domestic level, some countries do provide for judicial enforceability of

certain ESC-related rights, and we have no objection to such approaches.) Department requests post to remain attentive to any countries that assert development (and associated achievement of ESC rights) must come before securing civil and political rights. We do not accept "preconditions" on civil and political rights.

¶13. (U) ROUNDTABLE III: POVERTY AND DEMOCRACY - Closely related to the theme on Development and Democracy, the U.S. views the fight against poverty as a cornerstone in stability, but does not believe in a rights-based approach. A rights-based approach for economic, social, and cultural rights places an onus on States to interfere in the market, and to control social and cultural mores in ways that create opposite effects. The U.S. disagrees with the view that poverty is a violation of human rights per the Vienna Declaration and Program of Action (VDPA). The argument that poor or less developed countries cannot respect civil and political rights without first addressing development (ESC) issues does not bear out in reality. CD President Mali, Benin, and other countries in Africa, as well as most of the Western Hemisphere, demonstrate that countries can respect the civil and political rights of their citizens, while working to realize and secure ESC rights.

¶14. (U) U.S. assistance programs such as the Millennium Challenge Account provide incentives for countries that serve both development and democracy aims. Through MCC the U.S. grants substantial poverty alleviation assistance to countries with sound policies on ruling justly, investing in people, and fostering economic freedom. In so doing, recipients help demonstrate the mutually reinforcing relationship between development and democracy, further encouraging good governance in the interest of economic growth.

¶15. (U) OUTCOMES - While we do not expect a final proposal on concrete projects that the WG could pursue as an outcome to the initial meeting, post should encourage countries to pursue such an initiative. Simply sending a report to Bamako is not sufficient. Post should determine whether there is any enthusiasm for having the WG focus on the negative relationship between corruption and development. This topic, and particularly best practices, has been the subject of work in both the World Bank and OSCE. If there is interest in pursuing this topic, the WG should agree to develop a proposal for further discussion in subsequent WG meetings. With respect to sending the report of the Mexico City Working Group as a contribution to the upcoming seminar in Mali, the U.S. position should be flexible, provided the report is not presented as the position of the WG.

POINT OF CONTACT

¶16. (U) Please contact G - Joaquin Ferrao at (202) 647-4096 or DRL/MLGA - Laura Jordan at (202) 647-0293 or via e-mail for any necessary further background information or argumentation to meet our objectives.

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